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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002842

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E.O. 12958: DECL: 08/06/2016

TAGS: [PHUM](#) [PINS](#) [PGOV](#) [MASS](#) [KJUS](#) [IZ](#)

SUBJECT: DEMARCHE TO IRAQI INTERIOR MINISTER ON SITE 4

REF: A. BAGHDAD 2740

[B](#). BAGHDAD 2725

[C](#). BAGHDAD 2632

[D](#). BAGHDAD 1960

Classified By: Rule of Law Coordinator Ambassador James Yellin for Reas
on 1.4 (d).

[1](#). (C) SUMMARY: On July 31 Embassy Rule of Law (ROL) Coordinator asked Iraqi Minister of Interior Bolani when he would authorize the execution of the arrest orders issued in connection with the abuses committed at the Ministry of Interior detention facility known as Site 4. ROL Coordinator also advised Bolani that the Leahy Law may prohibit the US. from providing certain forms of assistance to a security forces unit, if measures are not taken to correct gross human rights abuses.

[2](#). (C) Bolani vowed to bring to justice people who had committed abuses, but was non-committal on when he would authorize execution of the arrest orders. But in a meeting with an Iraqi judge earlier the same day, Bolani agreed to the arrest of 11 people. These people do not include the commander of the Second National Police Division, Major General Mahdi, for whom an arrest order has been issued.

[3](#). (C) Comment: Many Sunnis view the Ministry of Interior (MOI) as an oppressive, Shia-controlled institution. Within this context, the arrest of Mahdi is more important than that of lower-ranking officials. In order to promote the rule of law and national reconciliation, the GOI needs to show it will prosecute high-ranking law-breakers, even if they are Shia from the MOI. END SUMMARY.

POINTS MADE BY ROL COORDINATOR

[4](#). (C) Embassy Legal Adviser, ROL Officer, and ROL Coordinator met with Minister of Interior Jawad al-Bolani on July 31. ROL Coordinator made the following points in connection with the Ministry of Interior detention facility known as Site 4:

-- We congratulate the minister on his July 30 speech in which he had said that "no one is above the law," and that "Ministry of Interior employees will be held accountable before the courts and the Council of Representatives."

-- The United States, as a matter of policy and law, takes seriously allegations of human rights abuses.

-- There are provisions in U.S. foreign assistance legislation, commonly known as the Leahy Law, that may prohibit us from providing certain forms of assistance to a security forces unit, if there is credible information that the unit committed gross human rights violations, and if

effective measures are not being taken to bring the responsible members of the unit to justice.

-- We would appreciate it if the minister would indicate the timeline and describe the steps being taken to execute the arrest orders issued on June 27 by an Iraqi judge for 52 people implicated in abuses at Site 4.

REPLY OF MINISTER

¶5. (C) Bolani vowed that the 52 people would be brought to justice. He noted that he had met earlier in the day with the investigative judge handling Site 4, along with the Embassy Justice Attache, Embassy Legatt, and TF-134 Commanding General. Bolani said that he and the judge had agreed that:

-- The judge would send him copies of the arrest orders along with a memorandum outlining the results of his findings (which were based on evidence supplied by the Major Crimes Task Force).

-- The Ministry of Interior would form a committee that would investigate each of the 52 names and decide on the way forward.

¶6. (C) When asked to provide a timeline for when the arrest orders would be executed, the minister declined to do so.

¶7. (C) In a meeting with CPATT Commanding General on August 2, however, Bolani estimated that his committee would complete its review by early September and that he would then make an announcement on the 52 people for whom arrest warrants had been issued.

BAGHDAD 00002842 002 OF 002

INVESTIGATION BY THE IG

¶8. (C) Bolani also told us that before he had taken office, the MOI Inspector General had conducted its own investigation into Site 4. This investigation, he said, had resulted in the arrest of two people. Seven other people had fled and could not be found, he added.

¶9. (C) During his meeting with the investigative judge noted above, Bolani agreed to arrest the people whom the IG had recommended for punishment, according to U.S. officials.

BACKGROUND ON IG INVESTIGATION

¶10. (C) The IG investigation referred to by Bolani recommended that eleven people be fired and then brought to court, according to an IG report that we have obtained.

¶11. (C) At least six of the above people are on the list of the ten most egregious offenders identified by the MCTF.

¶12. (C) The commander of the Second National Police Division, Major General Mahdi Sobiah Hashim al-Gharawi, is not among those implicated by the IG. (As reported previously, he is one of the people for whom arrest orders were issued on June 27, and whom the MCTF has identified as being one of the ten most egregious offenders.)

¶13. (C) Although Bolani asserted that seven people implicated by the IG had fled and could not be found, a U.S. official has recently seen three of these people working at MOI facilities.

COMMENTS

¶14. (C) The way forward outlined by Bolani in his meeting with ROL Coordinator suggested that it would at best be weeks before the arrest orders issued on June 27 were executed. But his agreement with the Iraqi investigative judge to

arrest eleven people would mark an important step forward, if implemented.

¶15. (C) For Bolani the most difficult case is Major General Mahdi. His arrest would entail political and quite possibly security risks for Bolani. (Mahdi has close ties to the Shia political party SCIRI and its armed wing, commonly known as the Badr Corps. SCIRI supported the appointment of Bolani as Minister of Interior. Bolani is not known to belong at present to a political party, but before has been associated with a number of Shia factions.)

¶16. (C) Many Sunnis view the Ministry of Interior, along with its forces, as a Shia-controlled institution that oppresses them. Within this context, the arrest of Mahdi is more important than the arrest of lower-ranking officials. In order to strengthen the rule of law and promote national reconciliation, the Iraqi government needs to demonstrate that it will prosecute in accordance with the law high-ranking officials who break the law, even if they are Shia from the Ministry of Interior.
KHALILZAD